

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Neil Bason, Presiding  
Courtroom 1545 Calendar**

**Thursday, January 11, 2024**

**Hearing Room 1545**

8:00 AM  
**2:00-00000**

**Chapter**

- #1.00** Hearings in Judge Bason's courtroom (1545) are simultaneously:
- (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices),
  - (2) via ZoomGov video, and
  - (3) via ZoomGov telephone.
- You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

**ZoomGov Instructions for all matters on today's calendar:**

Meeting ID: 161 252 9891

Password: 089197

Meeting URL: <https://cacb.zoomgov.com/j/1612529891>

Telephone: +1 669-254-5252 or +1 646-828-7666 or 833-568-8864 (Toll Free)

Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

**Chapter 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.**

Members of the public, including the press, are always welcome in person (except in rare instances when the courtroom is sealed) and they may also listen via telephone to non-evidentiary hearings, but must not view any hearings via video (per mandate of the AO).

Any audio or video recording is strictly prohibited. Official recordings are available for a small fee through the Clerk's Office.

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so);

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(c) when you make your argument, please pause from time to time so that, for example, the judge can ask a question or anyone else can make an objection; (d) if the judge does not see that you want to speak, or forgets to call on you, please say so when other parties have finished speaking (do not send a "chat" message, which the judge might not see); and (e) please let the judge know if he mispronounces your name, uses the wrong pronoun, etc.

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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**2:22-11956 Luis B Rosales**

**Chapter 13**

**#1.00** Hrg re: Motion under Local Bankruptcy Rule 3015-1  
(n) and (w) to modify plan or suspend plan payments

Docket 67

**Tentative Ruling:**

Appearances required, absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 74).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

<b>Party Information</b>
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**Debtor(s):**

Luis B Rosales

Represented By  
Lionel E Giron

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:22-16428 Karen Deshawn Taylor**

**Chapter 13**

**#2.00** Hrg re: Motion under Local Bankruptcy Rule 3015-1  
(n) and (w) to modify plan or suspend plan payments

Docket 69

**Tentative Ruling:**

Appearances required, absent either (1) an agreement with the Chapter 13 Trustee's office to further continue this matter or (2) withdrawal of the motion. There is no tentative ruling, but the parties should be prepared to address the issues raised by the Chapter 13 Trustee (dkt. 73).

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

<b>Party Information</b>
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**Debtor(s):**

Karen Deshawn Taylor

Represented By  
Lionel E Giron

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court  
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**2:20-13548 Paul H. Chou and Araceli Chou**

**Chapter 13**

**#3.00** Hrg re: Motion under Local Bankruptcy Rule 3015-1  
(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 92

**\*\*\* VACATED \*\*\* REASON: Voluntary Withdrawal of Motion Filed  
01/05/24 (Dkt. 99)**

**Tentative Ruling:**

<b>Party Information</b>
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**Debtor(s):**

Paul H. Chou

Represented By  
Caroline S Kim

**Joint Debtor(s):**

Araceli Chou

Represented By  
Caroline S Kim

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:23-13293 Jeffrey Robert Manuel**

**Chapter 13**

**#4.00** Cont'd hrg re: Motion objection to the proof of claim  
of HAPO Community Credit Union  
fr. 9/7/23, 12/7/23

Docket 17

**\*\*\* VACATED \*\*\* REASON: Order approving stipulation resolving  
objection to claim approved 12/15/23 [dkt 36]**

**Tentative Ruling:**

<b>Party Information</b>
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**Debtor(s):**

Jeffrey Robert Manuel

Represented By  
Daniela P Romero

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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**2:23-11247 Edmund Lincoln Anderson**

**Chapter 13**

**#5.00** Cont'd hrg re: Motion for an order disallowing  
Claim number 2 of Wells Fargo Bank  
fr. 9/7/23, 10/5/23

Docket 67

**Tentative Ruling:**

**Tentative Ruling for 1/11/24:**

Continue the hearing on Debtor's Claim Objection as set forth below.  
Appearances are not required on 1/11/24. (If you wish to contest the  
tentative ruling, see the Posted Procedures of Judge Bason, available at  
[www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

If you are making an appearance, you may do so (1) in person in the  
courtroom, unless the Court has been closed (check the Court's website for  
public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For  
ZoomGov instructions for all matters on calendar, please see page 1 of the  
posted Tentative Rulings.

Key documents reviewed: Debtor's Claim Objection (dkt. 67, the "Claim  
Objection"), Debtor's second amended notice of hearing (dkt. 78), Debtor's  
supplemental brief in support of Claim Objection (dkt. 77), Wells Fargo's  
opposition (dkt. 82, the "Opp."), Debtor's reply (dkt. 88, the "Reply"),  
Complaint (dkt. 107)

Analysis:

On 12/20/23, Debtor filed a complaint (the "Complaint," Adv. No. 2:23-  
ap-01505-NB, dkt. 1) based upon the same nucleus of operative facts as the  
Claim Objection. The tentative ruling is to continue the hearing on the Claim  
Objection to **2/20/24 at 11:00 a.m.**, concurrent with the initial Status  
Conference on the Complaint. This Court anticipates that the Claim  
Objection will most likely be denied without prejudice as moot at the Status  
Conference.

**Tentative Ruling for 10/5/23:**

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**CONT...**      **Edmund Lincoln Anderson**  
Appearances required.

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If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Debtor's Claim Objection (dkt. 67, the "Claim Objection"), Debtor's second amended notice of hearing (dkt. 78), Debtor's supplemental brief in support of Claim Objection (dkt. 77), Wells Fargo's opposition (dkt. 82, the "Opp."), and Debtor's reply (dkt. 88, the "Reply")

At issue is whether Wells Fargo Bank, N.A., as Trustee for Merrill Lynch Mortgage Investors Trust Mortgage Loan Asset-Backed Certificates, Series 2004-WMC5 ("Wells Fargo") holds a valid Deed of Trust encumbering property located at 2008 W. 28th Street, Los Angeles, CA 90018 (the "Property"). Debtor's position is that Wells Fargo "has been paid in full out of a 2006 refinance" and therefore does not hold a valid Deed of Trust against the Property. Claim Objection (dkt. 67) at 2:11–12. Wells Fargo disagrees, contending that "Debtor presents no evidence that [Wells Fargo] received payoff funds to satisfy its lien interest, and the facts Debtor relies on contradict any likelihood that a 2006 refinance – which was later cancelled – required [Wells Fargo] to reconvey its lien interest." Opp. (dkt. 82) at 2:5–8.

No party has asserted that the Claim Objection must be resolved by way of an adversary proceeding (see Rule 7001, Fed. R. Bankr. P.), but the tentative ruling is that, at the very least, this Court should, as Wells Fargo requests, treat this hearing as an initial Status Conference so as not to prejudice any procedural rights that are not being waived or forfeited. The dispute concerns whether Wells Fargo holds a valid lien encumbering the Property. Therefore, the tentative ruling is that the dispute falls within the confines of Rule 7001(2) (Fed. R. Bankr. P.) (stating that "a proceeding to determine the validity ... of a lien" is an adversary proceeding) (emphasis added).

(2) Standard requirements

The following are Judge Bason's standard requirements for status



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conferences. (No status reports are on file because the dispute has been presented to this Court by way of a contested matter, not an adversary proceeding.)

(a) Venue/jurisdiction/authority

The parties are directed to address any outstanding matters of (a) venue, (b) jurisdiction, (c) this Bankruptcy Court's authority to enter final orders or judgment(s) in this proceeding and, if consent is required, whether the parties do consent, or have already expressly or impliedly consented. *See generally Stern v. Marshall*, 131 S.Ct. 2594, 2608 (2011) (if litigant "believed that the Bankruptcy Court lacked the authority to decide his claim...then he should have said so – and said so promptly."); *Wellness Int'l Network, Ltd. v. Sharif*, 135 S.Ct. 1932 (2015) (consent must be knowing and voluntary but need not be express); *In re Bellingham Ins. Agency, Inc.*, 702 F.3d 553 (9th Cir. 2012) (implied consent), *aff'd on other grounds*, 134 S. Ct. 2165 (2014); *In re Pringle*, 495 B.R. 447 (9th Cir. BAP 2013) (rebuttable presumption that failure to challenge authority to issue final order is intentional and indicates consent); *In re Deitz*, 760 F.3d 1028 (9th Cir. 2014) (authority to adjudicate nondischargeability encompasses authority to liquidate debt and enter final judgment). *See generally In re AWTR Liquidation, Inc.*, 548 B.R. 300 (Bankr. C.D. Cal. 2016).

(b) Mediation

Is there is any reason why this Court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below? The tentative ruling is to set a **deadline of 10/19/23** for the parties to lodge a proposed mediation order (the parties are directed to use the time between now and that deadline to find a mutually agreeable mediator whose schedule can accommodate the needs of this matter; and if the parties cannot even agree on a mediator they may lodge separate orders and Judge Bason will choose among them, or issue his own order).

(c) Deadlines

The Claim Objection giving rise to the issues that are appropriate for resolution by application of the procedural rules governing adversary proceedings was filed on 8/8/23. This Court has not yet issued a written

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order memorializing any deadlines pertaining to discovery and/or an evidentiary hearing.

Pursuant to LBR 9021-1(b)(1)(B), Debtor is directed to lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Joinder of parties/amendment of pleadings-deadline: Not applicable

Discovery cutoff (for *completion* of discovery): 12/29/23

Expert(s) - deadline for reports: 1/12/24 if any expert testimony will be presented.

Expert(s) - discovery cutoff (if different from above): 1/26/24 if any expert testimony will be presented.

Dispositive motions to be heard no later than: 3/5/24

Joint Status Report: 2/20/24.

Continued status conference: 3/5/24 at 11:00 a.m.

Lodge Joint Proposed Pretrial Order: 5/13/24

Pretrial conference: 5/21/24 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers, including direct testimony by declaration unless excused: 5/22/24 (for the format of exhibits and other trial procedures, please see the Procedures of Judge Bason (posted at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) then search for "Trial Practice" BUT, at least during the COVID-19 shut down of the courtroom, also see the forms of order regarding video trials, posted on Judge Bason's portion of the Court's above-referenced web page)

Trial commencement: 6/7/24 at 9:00 a.m.

**Tentative Ruling for 9/7/23:**

Continue to 10/5/23 at 8:30 a.m., with a **deadline of 9/12/23** for Debtor (1) to re-serve the motion/claim objection and supporting papers, along with (a) a second amended notice of the hearing, setting forth an opposition deadline of 9/25/23 and a reply deadline of 9/29/23 and (b) a copy of this tentative ruling, and (2) to file a proof of service that corrects the address for the claimant, as set forth below. Appearances are not required on 9/7/23. (If you wish to contest the tentative ruling, see the Posted Procedures of Judge Bason, available at [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), then search for "tentative rulings.")

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public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

Key documents reviewed: Motion/claim objection (dkt. 67), notice of same (dkt. 68), amended notice (dkt. 71), clarification brief (dkt. 77).

Analysis:

First, both notices of hearing and the clarification brief list the hearing date as 10/5/23, although the motion lists the hearing date as 9/7/23, so it appears that this matter is not properly on for hearing on 9/7/23. Second, the clarification brief does not list the claimant in its proof of service (see dkt. 77, last two pages). Third, all other documents do list the claimant on their proofs of service but those documents misstate the zip code: it is listed as "3346-4605" whereas Proof Of Claim #2 lists the zip code as "33416-4605." See POC #2, line 3.

On this last issue (the incorrect zip code), this Court recognizes that in all likelihood the claimant has received actual notice and due process is satisfied. But the tentative ruling is that service nonetheless is inaccurate, and in any event it is particularly important to provide accurate service of the claim objection and notices of the hearing thereon because there have previously been more than enough missteps in the history of this loan and claims related to this loan so the last thing that is needed is for there to be any additional muddying of the record with an incorrect zip code.

Given the foregoing history, and this Court's discretion in managing deadlines, the tentative ruling is that it is appropriate to adjust the opposition and reply deadlines as set forth at the start of this tentative ruling, pursuant to Rules 3007(a)(1) and 9006(c) (Fed. R. Bankr. P.), on this Court's own motion, pursuant to 11 U.S.C. 105(a).

<b>Party Information</b>
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**Debtor(s):**

Edmund Lincoln Anderson

Represented By  
Stella A Havkin

**Trustee(s):**

Kathy A Dockery (TR)

Pro Se

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9:30 AM

**2:00-000000**

**Chapter**

**#1.00 PLEASE BE ADVISED THAT THE CHAPTER 13 9:30 AM  
CONFIRMATION CALENDAR CAN BE VIEWED ON THE  
COURT'S WEBSITE ([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) UNDER:  
JUDGES>BASON, N.>CHAPTER 13>CONFIRMATION HEARINGS CALENDAR**

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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11:00 AM  
**2:00-00000**

**Chapter**

**#1.00 PLEASE BE ADVISED THAT THE CHAPTER 13 HEARINGS  
at 11:00 AM CAN BE VIEWED ON THE COURT'S WEBSITE  
([www.cacb.uscourts.gov](http://www.cacb.uscourts.gov)) UNDER: JUDGES>BASON, N.>CHAPTER 13**

Docket 0

**Tentative Ruling:**

- NONE LISTED -